

### **Remarks**

The abstract has been objected to because it does not fall within the range of 50 to 150 words in length.. Applicants maintain that this is not a valid reason for objection because it is not required in the statutes, rules, or MPEP. Applicants' abstract contains 29 words. MPEP 608.01(b) does not require a minimum length for the abstract. It states that the abstract should (a recommendation) be between 50 and 150 words in length, but does not require it. By contrast, 37 CFR 1.72(b) states that the abstract "may not exceed 150 words in length", and applicants' abstract is well within this maximum limit. There is no requirement that the abstract must be a minimum of 50 words in length. Reconsideration and withdrawal of the objection is respectfully required.

Claims 1-27 have been rejected under 35 USC 102(b) as being anticipated by U.S. patent no. 6,498,785 ("Derryberry").

Applicants respectfully traverse these rejections because the cited references do not disclose or suggest every element of any pending claim, as the following analysis shows.

Independent claims 1, 16, and 22 each recite that the claimed network traffic parameter is based on an observed volume of communications. Support for this limitation may be found in the specification in the second sentence of paragraph 0013. Independent claim 8 limits the parameter to data throughput, while independent claim 12

limits the parameter to network loading. Derryberry does not disclose or suggest that his system modifies power based on any of these claimed parameters. Derryberry only specifies one parameter on which his power control decisions are made, and that parameter is frame error rate (at col. 4 line 51 and at col. 5 lines 14 and 19). Frame error rate is not a measure of the volume of communications, nor is it a measure of data throughput or network loading. Derryberry does not disclose or suggest every limitation of any independent claim.

The remaining pending claims each depends directly or indirectly from one of claims 1, 8, 12, 16, or 22, and therefore contains the same limitations not disclosed or suggested by Derryberry.

### **Conclusion**

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible.

Respectfully submitted,

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